Claims 1-4 were provisionally rejected under 35 U.S.C. § 102(e) as anticipated by copending application No. 08/389,656. Claims 1-4 were also provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6, 8 and 11 of copending application No. 08/389,656. Claims 1-4 were further provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3, 5, 6 and 10-12 of copending application No. 08/397,356.

Applicant respectfully submits that the above provisional rejections of Claims 1-4 are premature, and that those rejections should be withdrawn.

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The specification, abstract and claims now in this application have been carefully reviewed and amended to make them clearer and to ensure that the claims conform fully to the requirements of Section 112. Special attention has been paid to the points raised in paragraph 4 of the Office Action.

The rejection under Section 112, second paragraph, is believed obviated and its withdrawal is respectfully requested.

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 4,942,598 (Davis). Claims 1-3

were also rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 5,388,150 (Schneyer et al.). Claims 4 and 5 were rejected under 35 U.S.C. § 103 as unpatentable over Davis. Claims 1-5 were rejected under Section 103 as unpatentable over U.S. Patent 5,307,179 (Yoshida) in view of Schneyer.

Amended independent Claim 1 is directed to a communication apparatus capable of executing plural kinds of communication protocols for data communication. The apparatus has a first detection means which detects a call signal, and a second detection means which detects information of a partner station sent between call signals. A memory means stores information of a communication system of the partner station in association with the information of the partner station. A reading means reads the information of the communication system for detected information of the partner station from the memory means in accordance with the information of the partner station detected by the second detection means at the time of the detection of the call signal, and selects one of the plural kinds of communication protocols to be executed in accordance with the read information of the communication system.

Newly added independent Claim 6 is a method claim corresponding to Claim 1.

It is a feature of the invention as recited in Claims 1 and 6 to provide a communication system capable of executing plural kinds of communication protocols for data

communication, characterized in that information of a communication system of a partner station is read out from a memory means in accordance with information of the partner station sent between call signals and one of plural kinds of communication protocols to be executed is selected in accordance with the read-out information of the communication system of the partner station at the reception of a call.

As understood by Applicant, Davis is directed to telephone message answering devices having an automatic number identification (ANI) capability. The ANI capability is used to selectively operate the answering device in response to an identify telephone message. Davis also is directed to the field of selectively directing messages to paging devices in which the messages are received from a telephone network and the messages are selectively operated on and transmitted to a pager based upon the ANI signal. Davis may teach an automatic telephone answering device which selectively connects the line to a device in accordance with information (telephone number) of a partner station, however, Applicant fails to find any teaching or suggestion in Davis of reading information of the communication system for detected information of the partner station from a memory means in accordance with the information of the partner station detected by the second detection means at the time of the detection of the call signal, and selecting one of the plural kinds of communication protocols to be executed in

accordance with the read information of the communication system, as recited in Claims 1 and 6. For at least that reason, Claims 1 and 6 are considered patentable over Davis.

As understood by Applicant, Schneyer is directed to caller identification and disposition systems for telephones, that identifies calling parties and disposes of the calls via an internal data base of recognized callers and calendar of dispositions. Schneyer selectively connects a line of a facsimile apparatus, handset or an automatic telephone answering system at the reception of a call. Applicant fails to find any teaching or suggestion in Schneyer of reading information of the communication system for detected information of the partner station from a memory means in accordance with the information of the partner station detected by the second detection means at the time of the detection of the call signal, and selecting one of the plural kinds of communication protocols to be executed in accordance with the read information of the communication system, as recited in Claims 1 and 6. For at least that reason, Claims 1 and 6 are thought to be patentable over Schneyer.

Yoshida is directed to a facsimile system having a plurality of communication modes, in which reception from parties other than specific parties can be refused. The Office Action correctly states that Yoshida does not disclose that a calling telephone number is sent between call signals.

For at least that reason, Claims 1 and 6 are considered patentable over Yoshida.

Schneyer is cited in the Office Action as remedying the above deficiency in Yoshida. Even so, Schneyer fails to remedy the deficiencies of Yoshida as a reference against Claims 1 and 6, as Applicant fails to find any teaching or suggestion in Schneyer of reading information of a communication system for detected information of the partner station from a memory means in accordance with the information of the partner station detected by a second detection means at the time of the detection of the call signal, and selecting one of plural kinds of communication protocols to be executed in accordance with the read information of the communication system as recited in Claims 1 and 6. For at least that reason, Claims 1 and 6 are considered patentable over Yoshida and Schneyer taken separately or together.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed

to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 758-2400. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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